

Persistence of Procedural Relationship of Parties in Civil Proceedings

The thesis deals with the procedural relationship in adversarial civil proceedings. The aim of the thesis is to define the persistence of procedural relationship as a characteristic of civil proceedings, as one of the fundamental principles of civil proceedings, and to analyze exceptions to this principle. The thesis is divided into two sections. The first one focuses on changes of parties in procedural relationship, while the latter one focuses on changes in procedural relationship attributable related to the court. The thesis aims to comprehensively address the procedural relationship of parties, thus it includes a section referring to changes of procedural relationship related to the court. The thesis primarily focuses on changes of procedural relationship relating to the parties, such as joinder of parties and substitution of parties. Since the general rule refers to the persistence of procedural relationship, derived from the rights of parties to a judgement on the merits, it is necessary to save the procedural rights of parties should any exception to this general rule apply. The thesis, conforming to the proportionality principle, addresses the suitability and necessity of such legislation. The current legislation seems to be particularly imperfect in cases of the substitution of parties in the event of singular succession, and the conditional substitution of a party upon the other party's approval.

The changes of procedural relationship related to the court are change of venue, *forum non conveniens*, transfer of venue, and substitution of the judge.

The methodology of the thesis starts with a general introduction and definition of several fundamental terms (such as procedural relationship, parties to a proceeding, court), followed by a complex analysis of effective legislation along with its historical development, and identification of troublesome provisions of the effective legislation. The main part of the thesis is the critical analysis of the effective legislation resulting in drafts of prospective amendments designed to eliminate imperfections of the effective legislation.